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[1](#)1. (SBU) The following is Mission Germany's submission for the ninth annual Trafficking in Persons (TIP) Report. The entire report should be treated as sensitive but unclassified. Mission points of contact are David Fisher (email: fisherdl@state.gov; tel: 49-30-8305-2439) and Jacqueline Dadswell (email: dadswellj@state.gov; tel: 49-30-8305-2275).

[1](#)2. (U) THE COUNTRY'S TIP SITUATION:

[1](#)A. What are the sources of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

A vast amount of information is available from a multitude of sources, including multiple Federal government ministries, state level offices, the Federal Office of Criminal Investigation (Bundeskriminalamt; BKA), the state criminal police (Landeskriminalamt; LKAs) and NGOs. Given that TIP is an issue of considerable importance to the German government and civil society groups, new reports, statistics and studies are produced on a continuous basis. Information produced by government offices is reliable. As an example, the BKA makes a concerted effort to compile accurate statistics, but acknowledges that many instances of trafficking go unreported due to the difficulty in identifying victims. Although studies and reports produced by NGOs typically reflect their individual viewpoints, the information is generally reliable.

[1](#)B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Does trafficking occur within the country's borders? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

Germany is a transit and destination country for men and women trafficked for the purposes of commercial sexual exploitation, and,

to a lesser extent, forced labor. Trafficking takes place into, within, and through Germany - no territory is out of the government's control. As in recent years, most sex trafficking victims came from Eastern European countries. Law enforcement authorities recorded 689 victims trafficked for sexual exploitation in 2007 compared to 775 in 2006. The majority of victims (89 percent) came from Europe, including Germany (27 percent). The largest numbers of foreign victims came from Bulgaria (11 percent), Romania (10 percent), the Czech Republic (8 percent) and Poland (8 percent). The report notes a significant increase in the number of Bulgarian, Hungarian and Nigerian victims. Non-European victims came from Africa, Asia, and the Western Hemisphere. Twelve percent of the victims were underage/younger than 18 years, half of them being German nationals. One percent (seven victims) was younger than fourteen years (4 Germans, and one victim each from Poland, Albania and Turkey). The majority of victims (57 percent; 392 victims) were under-21 year olds, a slight increase compared to 2006. According to the BKA, and confirmed by the Berlin LKA for the Berlin area, the most probable reason for the significant number of under 21-year olds is the fact that it is easier to identify these alleged victims due to the penal norms laid down under section 232 subsection 1, sentence 2 of the Penal Code. This section criminalizes the inducement of a person under twenty-one years of age to engage in or continue to engage in prostitution.

1C. What kind of conditions are the victims trafficked into?

Victims are trafficked for purposes of sexual and labor exploitation. The majority of sex trafficking victims worked in bars and brothels or apartments. The number of victims working for escort services or in street prostitution was also significant. There have only been a handful of labor trafficking/exploitation cases, occurring mainly in restaurants and in domestic households

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where workers (often illegal residents) were exploited. There were also reports of labor trafficking in the agricultural sector.

1D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

As in previous years, the majority of sex trafficking victims (95 percent) were women. Sex trafficking victims are typically young women from Eastern Europe, Africa and Asia, but also Germans, who have low incomes, limited education/academic, difficult social backgrounds and little work experience.

1E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

The BKA registered 714 suspected sex traffickers in 2007, an increase of 8 percent compared to 2006. 78 percent of the 714 TIP suspects were men. Despite increasing numbers, authorities registered an average of less than 2 suspected traffickers per investigation. This suggests that smaller criminal groups or sub-structures of larger perpetrator groups were responsible for most trafficking. According to the BKA report on Organized Crime, authorities investigated 28 organized crime cases in the area of "Crime related to Nightlife" in 2007, the majority being sexual exploitation TIP investigations.

As in previous years, German nationals comprised the largest share of suspected traffickers (344 traffickers; corresponding to 48 percent of the 714 trafficking suspects). Seventy-one (21 percent of the 344) German citizen perpetrators were naturalized citizens with places of birth outside of Germany (primarily Poland, Kazakhstan Russia, and Turkey). The largest number of non-German

suspects came from Turkey (49 perpetrators, or 7 percent of the 714 total), Bulgaria (42, or 6 percent), Hungary (29, or 4 percent), Romania (25, or 3 percent), and Poland (24, or 3 percent). Just 90 of the 714 traffickers held non-European nationalities: 28 from Asia, 16 African, 4 from the Americas, and 42 unknown.

The BKA registered 71 suspected labor traffickers in 2007. Of those, 40 were men and fifty-nine percent of the suspects were foreigners.

With regard to sex trafficking, approximately one third of victims reported that they had agreed to engage in prostitution. According to the BKA report, many victims who agreed to work as prostitutes were deceived regarding exploitative conditions of the work situation. Fifteen percent of victims said they were professionally recruited (e.g., by talent agencies or newspaper advertisements). Twenty-five percent of victims reported being deceived about the true purpose of their entry into Germany. According to the BKA report, 16 percent of the victims reported that traffickers used violence to coerce them into prostitution. The majority of the victims worked in bars and brothels (362) or apartments (187). The number of victims working for escort services (59) or in street prostitution (73) was also significant. Sixty-nine victims stated they were unwilling to testify as a result of threats they had received.

Traffickers promised victims high earnings and better living conditions, but traffickers exploited the fact that debts, e.g., for organizing passports or visas and travel expenses, had to be paid to deliberately create relationships of dependency. The victims felt they had no option but to accept the conditions and permanently work as prostitutes.

13. (U) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

1A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government acknowledges TIP is a problem in Germany that must be vigorously combated. When presenting the Federal Criminal Police Office's (BKA) 2007 TIP statistics in July 2008, BKA president Joerg

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Ziercke emphasized that fighting human trafficking is a "priority area for the BKA." In meetings with Mission representatives, German officials stressed the importance of fighting TIP and described Germany's numerous anti-TIP initiatives and programs.

1B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

To varying extents, the following federal and state government agencies are involved in anti-TIP efforts. At the Federal level, the Ministry of Family Affairs, Senior citizens, Women and Youth (Family Ministry) is the lead agency in combating sex trafficking. The Justice Ministry, Ministry for Economic Cooperation and Development (Development Ministry), the Ministry for Labor and Social Affairs, the Ministry of Foreign Affairs, the Ministry of the Interior, Office of Criminal Investigations (BKA), and Finance Ministry (The Customs Authorities' Illegal Employment Control Task Force (FKS) also participate in anti-TIP work at the Federal level.

Numerous state (Laender) offices, including state ministries for Women and Gender Affairs, Social Affairs, Interior, Justice and Labor are involved in developing programs at the state level. Several states have interagency anti-TIP working groups and/or task forces that include NGOs. Twelve of sixteen Laender have formal cooperation agreements between police and NGOs. As an example, the Lower Saxony Interior Ministry enacted an amended TIP decree on July 11, 2008. This decree regulates the cooperation between police, prosecution offices, foreigner offices, social security offices, youth welfare offices, labor agencies, and TIP NGOs. The goal is a cross-departmental, victim-centered, cooperative approach to protect the victims of trafficking.

As a result of the 2005 amendment of trafficking provisions in the Federal Penal Code, state police authorities have restructured their organized crime or TIP units to include labor exploitation crimes. The Laender Offices of Criminal Investigations (LKA) have special units that deal with TIP or with organized crime and regularly review their strategies.

Furthermore, a number of interagency cooperative bodies exist. The Federal-State Interagency Working Group on Trafficking in Women, established in 1997 under the Family Ministry's lead, reviews counter-trafficking issues, disseminates best practices, and provides input for new laws and directives. (Please see the "Best Practices" Section at the end of this cable)

A federal-state working group on combating sexual exploitation of children has existed since 2003 and meets several times every year. In November 2008, the Family Ministry published a Status report on the "Plan of Action of the Government of the Federal Republic of Germany for the Protection of Children and Young People from Sexual Violence and Exploitation" that evaluates the status of the Action Plan's goals and identifies areas of improvement.

The Federal Ministry of the Interior created an inter-agency analysis and strategy center on illegal migration (GASIM) in 2006 that is comprised of experts from the police, security agencies, customs authorities, the Foreign Ministry and the Agency for Refugees and Migration. It is designed to exchange and collect information on illegal migration, related organized crime, visa fraud, illegal employment, and trafficking; to analyze the illegal migration situation; and to support investigations and international cooperation.

The Labor Ministry is at present working to advance the strategic coordination between the federal and Laender levels in the area of labor TIP, drawing from the good experiences of the federal/state interagency working group set up in 1997 to coordinate action against sex trafficking. (Comment: The IOM - International Organization for Migration labor TIP project mentioned under Prevention question C: Mechanisms for Cooperation is a first step. End Comment.)

1C. What are the limitations on the government's ability to address this problem in practice? Is overall corruption a problem? Does the government lack the resources to aid victims?

German officials pointed out the general difficulty of identifying trafficking victims and getting them to testify in trials. Testifying often means danger and sacrifices for the victims, even in cases when they enter victim protection programs. Germany does

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not generally offer permanent residence status to victims - temporary residency permits are issued for those victims willing to cooperate with investigators and testify in trials. However, these residency permits are of limited duration and therefore victims often see little personal advantage to cooperating with investigators.

Four of the sixteen Federal Laender do not have formal cooperation agreements between TIP counseling centers and police.

Not all prosecutors' offices of the Federal Laender have specialized departments dealing with TIP cases. Moreover, some prosecution offices have decided in favor of a more general approach comprising sexual offences or organized crime.

No cases of TIP-related corruption have come to the Embassy's attention.

Generally speaking, the German government has the resources to aid TIP victims.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and

periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The government and government-funded NGOs systematically monitor Germany's anti-trafficking efforts. In addition, parliamentarians routinely query the government on efforts against TIP and related issues, obliging the government to publish reports in response. The German government makes regular assessments of its counter-TIP efforts available to the UN, the EU, the Council of Europe, and the OSCE. The BKA, as well as the Federal-State Interagency Working Group on Trafficking in Women, state level interagency working groups, and Laender Offices of Criminal Investigation (LKAs) meet regularly to evaluate and discuss counter-TIP programs. Independent NGOs conduct their own evaluations of the government's counter-TIP efforts and regularly publish assessments.

Each year the BKA produces a report on trafficking in persons in Germany covering the previous year's developments. Topics include statistics on investigations, victims, and traffickers.

In January 2009 the government-funded KOK (Association against Trafficking in Women and Violence against Women in the Migration Process) published an updated 180-page booklet that draws a comprehensive picture of TIP from the viewpoint of non-governmental organizations in Germany. In 2008 the KOK also published a study on the abuse of Au-Pair relationships as a form of human trafficking.

The Family Ministry is currently exploring the possibility of establishing a national trafficking rapporteur and has been reviewing and assessing other countries' approaches on national rapporteurs that might serve as a model for a German institution. (See Ref D for more details.)

14. (U) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

1A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor? Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes. Does the law(s) cover both internal and transnational forms of trafficking?

Trafficking for sexual exploitation is prohibited under Section 232 of the Federal Penal Code and labor exploitation is prohibited under Section 233, both domestically and trans-nationally. Trafficking for labor exploitation includes slavery, bondage, debt peonage, and working under exploitative working conditions.

Furthermore, a vast array of related laws with similar penalties exist which are often used in trafficking cases, e.g., promotion of trafficking (Section 233a), kidnapping (Section 234), abduction (Section 234a), child stealing (Section 235), child trade (Section

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236), deprivation of liberty (section 239), extortionate kidnapping (Section 239a), coercion (Section 240), promoting sexual acts of minors (section 180), exploitation of prostitutes (Section 180a), pimping (Section 181a), sexual abuse of juveniles (Section 182), forcible sexual assault/rape (Section 177), sexual abuse of children (section 176), and human smuggling (Section 96 of the Immigration Law). The German Penal Code makes a clear distinction between trafficking in persons and human smuggling.

1B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

Penalties for sex trafficking (Section 232) range from six months (one year for serious cases) to ten years imprisonment. These penalties are commensurate with penalties for other serious crimes. Attempted sex trafficking is also punishable under Section 232. Per 2005 amendments to the Penal Code, fines may no longer be imposed as

penalties instead of prison sentences.

It is standard German practice for judges to suspend prison sentences of two years or less for all crimes, not just TIP-related crimes. Suspended sentences often are handed down to first-time offenders and those, such as drivers and telephone operators, who played an auxiliary role in the crime. Those who receive suspended sentences are often required to perform community service, pay damages, and/or meet regularly with a parole officer.

The Federal Statistics Office publishes conviction and sentencing statistics for all crimes each year. The statistics are available on the Internet at <http://www.destatis.de>. These detailed and comprehensive compilations list convictions, sentences, time served, nationality of the offenders, status as first-time and/or juvenile offenders, along with other data.

Due to the implementation of a new program within the Federal Statistics Office, the statistics for 2007 prosecutions will not be available before April 2009. For 2006 statistics, please see ref B. (Comment: Post will follow up and report as soon as the 2007 statistics become available. End Comment)

Representative TIP court cases follow:

On November 11, 2008 a court in Lower Saxony convicted an Italian national on charges of a severe case of trafficking, rape and bodily harm of a German prostitute, and sentenced him to a seven year prison sentence. The sentencing became possible after the victim entered the witness protection program and comprehensively testified against the perpetrator.

On January 29, 2008 the Hanover District Court found a Polish-German couple guilty of pimping, and sentenced them to five year, six month and three year, three month prison terms, respectively. The couple exploited more than 30 young Polish females in apartment brothels.

On July 2, 2008 the Verden Regional Court (Lower Saxony) sentenced two German men to 14 years and 12.5 years respectively for trafficking in persons, forced prostitution, kidnapping and rape. Both must also pay their five female victims 150,000 euros (approximately \$189,000). The victims were German and Bulgarian and all resident in Germany. The perpetrators lured the women - who had sought jobs as baby sitters, nannies and cleaning personnel - under false pretenses and violently abducted them. Subsequently, the victims were locked up, chained in a dog cage, and raped by the accused.

In August, 2008 the Frankfurt Regional Court opened proceedings against 11 Nigerians on primarily trafficking and pimping charges. They were accused of trafficking 10 women from Nigeria to Germany. The accused threatened and intimidated victims with violence and voodoo rituals if they did not pay back loans for their transportation and forced them into prostitution in brothels in Frankfurt and Cologne. The victims were lured to Germany with the promise of being able to work as bar tenders, dancers or cleaning ladies. According to the police, the traffickers took the victims' money and passports. On September 24, 2008 the court sentenced the main defendant to four years in prison for smuggling of foreigners and forging of documents on a commercial basis as well as aiding to pimping, and one of the "madams" was sentenced to a three-year and six month prison term (for TIP and pimping). The court sentenced another to two years and six months of prison (for smuggling of

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foreigners on a commercial basis). All defendants confessed before the hearing of evidence during the trial.

When explaining TIP prosecutions and trials, prosecutors assured post that they seek to have perpetrators sentenced under any and all crimes possible. This does not necessarily mean trafficking charges (although this is the objective), but could be other charges such as smuggling, violations of Residence Act, and tax evasions that are easier to prove if there is not sufficient evidence for a TIP prosecution.

Prosecutors underlined that apart from pursuing justice in single cases, a prime goal is to uncover criminal structures. Therefore, numerous investigations are often brought together which can take long periods of time and are not reflected in the general statistics. Prosecutors also explained that confessions, especially in early stages of trials, can act as a mitigating factor in regards to sentencing. According to Hamburg prosecutors, a confession can easily reduce 1/3 of the sentence.

In Germany, prison sentences of up to two years for first time convicts -- regardless of the crime committed -- are often suspended, and convicted persons are released on probation. The trial judge decides whether to suspend a sentence or sentence probation based on detailed rules of the Penal Code and case law. By law, prison sentences over two years have to be served, however release on probation is possible once two-thirds of the sentence (and in some cases, half of the sentence) has been served.

1C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor?

Section 233 of the Penal Code (Trafficking in Human Beings for the Purpose of the Exploitation of Workers) criminalizes the actions of individuals who "exploit another person through a coercive situation, or the helplessness that is associated with their stay in a foreign country, to induce them into slavery, serfdom, or debt bondage, or to take up or continue work with him or a third party under working conditions that are strikingly disproportionate to the working conditions of other workers who perform the same or a comparable activity."

The penalties for labor trafficking, including slavery and forced labor, range from six months to ten years imprisonment. Under Section 233a (promotion of trafficking) a recruiter in a source country could be sentenced to six months to ten years in prison. Section 233 covers employers or agents who exploit a victim's helplessness to bring him/her into slavery, bondage, debt peonage, or exploitative working conditions. Attempted labor trafficking is also punishable under both sections. Depending on the circumstances confiscation of passports or travel documents are punishable under section 233 or can be punishable under sections 242 (theft), 274 (suppression of documents).

The Federal Statistics Office will not publish statistics on imposed penalties and prosecutions for 2007 before April 2009. (See B. above)

Compared to sex trafficking cases, there are significantly fewer labor trafficking investigations and prosecutions. This is partly due to the fact that Sections 233 and 233a of the Penal Code only became effective in 2005. In regards to defining exploitative working conditions, working conditions are exploitative pursuant to Section 233 if they "...are in clear discrepancy to those of other workers performing the same or a similar activity". As there is no statutory minimum wage for most sectors in Germany, it can be difficult for prosecutors and judges to determine on case by case basis if working conditions are exploitative.

The following trials reflect some German efforts to bring labor traffickers to justice:

On February 17, 2008 a Bavarian court sentenced a suspended police officer to three years and three months incarceration on forced labor charges. The offender exploited a number of East Europeans working on his strawberry farm.

In June 2008, another Bavarian court gave a two year suspended sentence on forced labor charges to a dog breeder for exploiting an Au pair girl from Mongolia over a period of two years. The victim

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had to carry out gardening and household work, as well as clean dozens of dog cages. The perpetrator received a four year probationary period and was ordered to pay 3000 Euro to a crime-victim organization and 4500 Euro to the victim. The court

reportedly considered the suspect's confession at an early stage in the trial as mitigating factor in sentencing deliberations.

1D. What are the prescribed penalties for rape or forcible sexual assault?

The penalty for rape under Section 177 of the Penal Code is two to fifteen years imprisonment. This sentence is commensurate with penalties for other serious crimes. Forcible sexual assault is punishable by one to ten years in jail. Sexual assault of children is punishable by imprisonment from six months to fifteen years.

1E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment.

The latest statistics for TIP investigations available are for 2007.

The 2007 BKA report lists 454 completed pre-trial investigations for sex trafficking crimes conducted by state and federal police authorities, compared with 353 in 2006 (a 29 percent increase). Police authorities also launched 92 pre-trial investigations for labor trafficking crimes in 2007, which is an 18 percent increase compared to 2006. A large number of investigations were conducted into other crimes linked to these trafficking investigations, including a variety of other sex crimes, such as abuse or rape (184 investigations), offenses involving violence (64), smuggling offenses (42), narcotics violations (30), counterfeiting (16), and weapons-related violations (16). According to the BKA report, the majority of cases were attendant or logistic offenses connected to trafficking.

German law enforcement officials conducted a number of high profile TIP raids and prosecutions that led to the break-up of trafficking rings in 2008.

For instance, at the end of May 2008, more than 150 police officers simultaneously raided 22 properties in Hamburg, Schleswig-Holstein and North Rhine-Westphalia in pursuit of an internationally operating trafficking ring. A 40-year old of Romanian origin is believed to be the head of the trafficking ring. An arrest warrant was issued against him for suspicion of trafficking and commercial smuggling of foreigners. The other suspects, aged 30 to 60, are suspected of having lured women to Germany under false promises and having forced them into prostitution.

Hamburg police conducted a further series of raids in September, 2008 in connection with a criminal association of 13 German men. Police-obtained information that indicated the group of men was sexually abusing male children and juveniles, producing and distributing child-pornography and facilitating meetings between the boys and other men. At the end of the investigation, police found that while their leads were accurate, the evidence obtained was insufficient for a court case. However, one 51-year old man was arrested on September 15, 2008 and subsequently found guilty of six cases of sexual abuse of adolescents and one case of abuse of a 13-year old child. On January 23, 2009 a Hamburg court sentenced him to two years and three months incarceration for sexual abuse of adolescents. Three further trafficking proceedings resulted from this case and are ongoing as of February 2009.

On November 18, 2008 customs officials raided a production site in Zeven (Lower Saxony) and nine more locations in Lower Saxony. An accused is suspected of trafficking and defalcation of wages. The State Prosecution Office, which initiated an investigation against the German suspect, believes that he recruited 25 women in north-eastern Europe in order to exploit them as packagers in Germany.

In May 2008, four male Germans, three men from Bulgaria and a woman from Poland were arrested and now face charges for human trafficking and forced prostitution. They will stand trial in Koblenz. The group is accused of forcing 14 women from Bulgaria into prostitution between September 2006 and December 2007. The accused were arrested

after police forces conducted a raid of brothels in five German states, including Rheinland-Pfalz. One of the victims is a 17-year old woman from Bulgaria.

In August and September 2008, Baden-Wuerttemberg (B-W) police forces conducted a series of raids in Stuttgart and its surrounding communities, in eastern B-W and in the northern and southern part of the Black Forest. Most of the raids were connected to investigations against a group of Nigerians who had forced women into prostitution. Several people were arrested during the raids.

In June 2008, B-W police forces arrested a 38-year old man from Hungary and a 46-year-old woman who will stand trial in Stuttgart. Both are accused of forcing a 16-year old woman from Hungary into prostitution. They face additional charges of human trafficking, rape and assault. Both are in preliminary detention. A trial date has not yet been set.

The BKA report states that in 14 of the 454 pre-trial investigations in 2007, assets were seized, collecting 1.6 million Euros (approximately \$2 million), compared to 2.2 million Euros seized in 2006. In TIP investigations, German police employ a full range of investigative techniques, including wiretaps, electronic surveillance, undercover operations, and offers of mitigated punishment for suspects who cooperate with police investigations.

1F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

The government and government-funded NGOS provide a range of specialized TIP training to judges, prosecutors and police.

The German Judicial Academy (Deutsche Richterakademie) is the national training academy for Judges and Prosecutors and is managed jointly by the Federal Ministry of Justice and the Laender (state) Ministries of Justice. It offers training to prosecutors and judges that also cover issues of TIP and the sexual exploitation of women and children in connection with cross-border crime. The Academy also offers training on domestic violence and child abuse, as well as dealing with victims of sexual violence.

On the Federal level, the BKA regularly organizes specialized seminars that are primarily geared towards investigating officers, but are also offered to members of victim protection departments and prosecutors (often a colleague from German speaking countries, e.g. Austria or Switzerland also will attend). During these seminars, representatives from various professional groups highlight different aspects of TIP. The BKA also organized workshops in source and transit countries to improve international cooperation or invited officials from transit and source countries for workshops in Germany.

Laender governments cooperated with numerous NGOS to provide training. For example, Berlin LKA teamed with the NGO Ban Ying, (which is mainly funded by the Berlin Senate) to provide for TIP police training sessions in 2008. (Please see ref C.)

1G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

The Federal Office of Criminal Investigations (BKA) has a counter-trafficking office that coordinates international TIP cases, promotes cooperation with other countries and regional organizations (including through the Southeast European Cooperative Initiative (SECI) and the Baltic Sea Task Force), cooperates closely with Europol (Analytical Work File PHOENIX) and Interpol (Interpol Working Group on Trafficking Human Beings), and organizes training programs for German and foreign law enforcement authorities. The BKA's Organized Crime Section covers both trafficking for purposes of sexual and for labor exploitation. In 2008 the BKA conducted extensive international cooperation in sex trafficking cases where

either foreign victims or perpetrators were involved or in crimes of international scope. This cooperation has included the Netherlands, Poland, Bulgaria, Greece and Romania. Due to ongoing investigations and operational agreements the BKA could not reveal further details.

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According to German prosecutors, cooperation in legal assistance matters with new EU member states such as Poland and the Czech Republic as well as Romania and Bulgaria is excellent. Such cooperation facilitates efforts to investigate and identify from which regions and areas victims originated.

H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

In 2007, the latest year for which statistics are available, Germany extradited individuals on sex trafficking charges to the following countries: Belgium (3), France (1), Netherlands (4), Luxembourg (1), Poland (1), Ukraine (1) and Switzerland (1). There were no cases of extraditions on trafficking charges to the United States.

Law enforcement sources report the number of extradition requests is low because foreign traffickers arrested in Germany are generally prosecuted in Germany. Germany can extradite non-German citizens or request the extradition of German and non-German citizens in accordance with extradition treaties or the Federal International Legal Assistance Code. Under the EU Arrest Warrant Act (2006), German nationals accused of extraditable crimes (including TIP and sexual exploitation) can be extradited to other EU member states for the duration of their trials.

I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There was no evidence that came to the attention of the Embassy of government involvement in, complicity or tolerance of trafficking.

J. If government officials are involved in trafficking, what steps has the government taken to end such participation?

N/A

K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Prostitution in Germany is legal, but highly regulated and restricted in practice. Communities have the authority to ban prostitution or to use zoning ordinances to exclude its practice from specific areas, usually city centers and residential neighborhoods. Prostitutes who violate this ban can be fined and charged under Section 184d of the Penal Code. The minimum age for prostitution is 18 years. However, individuals who induce another person under the age of 21 to take up or continue in prostitution or to commit sexual acts on or in front of the perpetrator or a third party are subject to criminal prosecution under Section 232 (Trafficking in Human Beings for the Purpose of Sexual Exploitation).

Brothel keepers or landlords are criminally liable under Section 180a of the German Penal Code if they hold prostitutes in personal or financial dependency, or if they employ a person under 18 as a prostitute.

Pimping, defined as exploiting a prostitute, controlling/arranging the services of a prostitute for monetary gain, or impairing a prostitute's financial or personal independence, is a crime under Section 181a of the penal code. The maximum sentence is five years.

As noted above, individuals who induce another person under the age of 21 to engage in prostitution are criminally liable under Section 232 (Trafficking in Human Beings for the Purpose of Sexual Exploitation).

Section 182 II of the penal code criminalizes the acts of clients who solicit sexual services from a person under the age of 18. In 2008, legislation raising the "protection age" to 18 years entered into force. Prior to these amendments the age of legal consent was

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16, and clients of voluntary prostitutes who were sixteen or seventeen years old did not commit a crime. The new law criminalizes the acts of clients who patronize prostitutes younger than 18. The law also criminalizes an attempt to do so and holds liable perpetrators over the age of 13 if the crime was committed under exploitation of a coercive situation (18 years in all other cases). The legislation implements the requirements of a 2003 EU Framework Decision and an optional protocol of the Convention on the Rights of the Child. (Please see ref E.)

The 2002 Law to Regulate the Legal Status of Prostitution was part of a wider effort to improve the social and legal situation of prostitutes. Prostitutes working under contract (e.g., at a brothel) are legally required to contribute to social security and unemployment, health care, and retirement insurance. Furthermore, prostitutes may participate in state-level retraining and assistance programs.

In 2007, the Federal Government announced plans to introduce a regulation on the criminal liability of clients of those forced into prostitution. Although these plans have yet to be implemented, the above mentioned law criminalizing the acts of clients of prostitutes under 18 years is characterized by German authorities as a step in this direction. The government will also examine ways to increase penalties for landlords who exploit prostitutes by charging exploitatively high rent to make them on par with penalties for pimps.

Following the recommendations of the government's evaluation, the Family Ministry is developing concepts for Model projects to help individuals get out of prostitution and is identifying NGO program implementers.

Following a special hearing in the Baden-Wuerttemberg state parliament on human trafficking in October 2007, the state Ministry of Finance established a new fund, which provides 100,000 Euros (approximately \$126,000) annually as financial assistance to victims of forced prostitution. In addition, the Baden-Wuerttemberg state government now recognizes the 25th of November as an official day to raise awareness of violence against women.

1L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

International Peacekeeping. Germany's anti-trafficking laws have extraterritorial effect under Section 6 of the Penal Code, i.e., it is a crime under German law to engage in/facilitate severe forms of trafficking or to exploit victims of such trafficking. Post is not aware of any information indicating that German nationals deployed abroad as part of peacekeeping or police training missions engaged in or facilitated severe forms of trafficking or exploited victims of trafficking. In the event such evidence came to light, German law requires authorities to investigate and, as warranted, prosecute suspected perpetrators.

1M. If the country has an identified problem of child

sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

Germany's sexual abuse laws have extraterritorial effect. Thailand is the primary destination for German (child) sex tourists, but also neighboring countries such as Vietnam, Cambodia and the Philippines.

A small number of child sex tourism cases in the Dominican Republic came to the BKA's attention, but they primarily concern German residents in the country.

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Neither the BKA nor the federally-owned corporation Gesellschaft fuer Technische Zusammenarbeit (GTZ), which supports the German Government in achieving its development-policy objectives, has heard of any cases of German child sex tourists to Madagascar.

Since 2006, the BKA has stepped up cooperation with law enforcement officials in South East Asia to investigate German sex tourists and pedophiles operating outside of Germany. The goal is to facilitate prosecution of perpetrators in the countries where the crimes are committed, as well as in Germany.

In July 2008, the Higher Regional court in Kiel sentenced a German citizen arrested in Cambodia in February 2007 on charges of sexual abuse of children, to a six and a half year prison term with subsequent preventive detention. 14 witnesses, including seven children were flown in from Cambodia to testify as witnesses in the case.

In May 2008 authorities arrested a 66-year old German citizen in Thailand on suspicion of sexual abuse of two boys age 13 and 14 years old.

In December 2008 authorities arrested a 66-year old German citizen in Thailand along with two British citizens, a US citizen, as well as a Thai citizen on suspicion of sexual abuse of minors.

15. (U) PROTECTION AND ASSISTANCE TO VICTIMS:

1A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

Several options exist in Germany regarding witness protection programs. Victims may be placed under police protection and the care of NGOs. Furthermore, prosecutors have the right to order protective measures as deemed necessary (such as bodyguards, testimony under disguise, etc.) for the duration of the trial. In some cases, police witness protection programs may relocate the victim to an undisclosed location with a new identity.

According to some NGOs, traditional witness protection programs which often entail a break of communication with family and friends and have not proved effective in practice for traumatized TIP witnesses, as their social networks are key to reintegrating TIP victims into society.

1B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country

have specialized care for adults in addition to children?
Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

German NGOs operate counseling centers in approximately 45 German cities, providing assistance and facilitating victim protection. The vast majority of counseling centers focus on female victims corresponding to the fact that 95 percent of identified victims are female. Cooperating closely with police authorities (in twelve of sixteen federal states through formal cooperation agreements), the centers help victims deal with the German authorities, escort them to trials, and provide them with shelter, legal counsel, interpreters, job training, and related rehabilitation services. Foreign victim witnesses are entitled to financial support for basic living expenses and basic health care under the Benefit Rules for Asylum Seekers. These benefits are about 30 percent lower than benefits afforded to the unemployed under the Federal Social Welfare Law. Victims who have been battered are entitled to long-term therapy, as well as pension and disability payments under the Victims' Compensation Act, even if they are illegal aliens.

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The government-funded KOK, the lead body representing 36 NGOs and counseling centers assisting victims, publishes a brochure that comprehensively explains the full range of benefits and compensation claims to which TIP victims are legally entitled. The publication is designed to inform victims, counseling centers, and government agencies to ensure they make use of all of the support at their disposal. In 2007, the Family Ministry and the KOK published a reference document for use by counseling centers that explains benefits available to trafficking victims, including psychological treatment, under the Victims Compensation Act. This document is still current and frequently used in practice.

Nongovernmental organizations providing services to trafficking victims receive their funding primarily from state and local governments as well as faith-based institutions (mainly affiliated with Catholic or Protestant Churches).

1C. Does the government provide trafficking victims with access to legal, medical and psychological services?
If so, please specify the kind of assistance provided.
Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims?

The Laender and municipal governments, as well as charities, support civil society organizations that provide a range of legal, medical and psychological services to trafficking victims. Formal cooperation agreements in 12 of Germany's 16 states provide mechanisms for NGOs to assist victims as described in paragraph B above.

The manner in which authorities finance subsistence for trafficking victims depends on their residence status. There are different kinds of residence permits and, correspondingly, different levels of social benefits. NGOs report that it is possible that a victim witness from a non-European country could receive more assistance based on asylum laws than an EU citizen who does not get any assistance, as is the usual practice in many German states or municipalities. There is currently no standardized procedure in Germany regarding financial support for victim witnesses from EU countries. In most cases, the approval of financial support depends on whether the police and/or prosecutors confirm the individual's status as a witness. In addition, the government agencies can find it difficult to ascertain the correct type and level of financial support for victims.

Hamburg NGO KOOFRA, in cooperation with KOK, completed a study on the eligibility of victims from EU member states for benefits, analyzing the legal requirements. The Federal State Working Group discussed the findings in February 2009 and communicated these to the Laender. Common/standardized practices are expected to be implemented in the future.

People falling victim to human trafficking on German territory and who as a consequence have suffered damage to their health are generally entitled to claims under the Victims Compensation Act (OEG). Damage to health may be physical or psychological, temporary or permanent. The right to compensation generally exists from the point of application. The extent of compensation is determined in accordance with the Federal Social Assistance Act (Bundesversorgungsgesetz) and includes in particular, health care, pension and invalidity benefit, supplementary help with living expenses, housing aid and help in respect to special living circumstances. Damages for pain and suffering or compensation in respect of other damage to property or assets such as, for example, withheld earnings from prostitution, are excluded.

Injured parties from EU member states generally receive payments as would German citizens. Non-EU nationals are treated differently depending on the circumstances: where the injured party has been legally resident for a continuous period of between six months and three years within Germany, the victim is granted benefits from the OEG. Has the individual been a legal and continuous resident in Germany for more than three years, the individual can claim as would a German citizen. Injured parties legally resident for less than six months are entitled only to a single hardship payout.

1D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or

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other relief from deportation? If so, please explain.

In August 2007, Germany adopted amendments to the immigration law to implement EU Council Directive 2004/81/EC on the issuance of residence permits to TIP victims who are third-country nationals. The law formally codified the practice of granting TIP victims who reside in Germany illegally a minimum of a one month grace period before deportation. Victims who agree to testify against the trafficker are entitled to remain in Germany for the duration of the trial. Thereafter, victims must be repatriated. However, if they face threats to life, personal injury, or freedom, a permanent residence permit may be granted.

1E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

TIP victims assistance programs are generally limited to the length of the legal process. (For benefits available e.g. under the Victims Compensation Act, please see paragraph C above.)

1F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

A well-established referral process exists in all 16 states. In cases where a cooperation agreement exists, the process is formalized. Authorities must inform victims of their rights and with their consent contact a counseling center. As noted above, victims are granted a minimum one month grace period to decide whether to testify against their traffickers and, if they decide to testify, receive a temporary residence permit. Victims who decline to testify are generally deported, but in certain cases may apply for asylum.

Nongovernmental organizations providing services to trafficking victims receive their funding primarily from state and local governments.

¶G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

According to the BKA, the total number of trafficking victims was 790 (689 sex trafficking and 101 labor trafficking victims) in 2007, the latest year for which numbers were available. The German government does not publish detailed statistics addressing the remaining questions.

¶H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

German states employ victim-centered, multidisciplinary approaches to identify and protect trafficking victims. These approaches involve police, prosecutors, immigration authorities, labor inspectors, municipal government officials, public health and safety authorities, NGOs, and victim services providers. Some states have established counseling services (e.g., "intervention agencies" in Mecklenburg-Pomerania and Lower Saxony and mobile counseling services in Berlin) that actively reach out to at-risk women to supplement the activities of more traditional counseling centers.

Guidelines developed in October 2007 by the Family Ministry for TIP-related training for police, counseling centers, prosecutors and judges and other authorities include standardized modules on victim identification techniques. In 2008 the Family Ministry distributed these through the State Social and Labor Ministers' Conference and will further distribute them to the competent state and municipal

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authorities. The state-level feedback was very positive.

Of the 454 sex trafficking investigations concluded in 2007, 145 (32 percent) were the result of complaints filed by victims. Seventy-six (17 percent) involved complaints filed by third parties. Slightly more than fifty percent were the result of police checks. According to the BKA report, police initiatives (e.g., random checks carried out in red-light districts) play an important role in the identification of trafficking victims and "contribute to gaining a better insight into the area of undetected crimes."

¶I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Victims' rights are respected. Victims are granted a grace period to stay in Germany. Victims are not generally detained or fined, but placed with counseling centers. Counter-TIP legislation enacted in February 2005 gives prosecutors more authority to decline prosecuting victims who have committed minor crimes.

¶J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

The government encourages trafficked victims to cooperate in the

investigation and prosecution of TIP cases. Victim witnesses are entitled to join as "joint plaintiffs" in criminal proceedings against traffickers and to have a lawyer free of charge. As joint plaintiffs, they can actively participate in the proceedings, and are entitled to pursue civil remedies, including claims for compensation, in addition to the criminal proceedings (Adhaesionsverfahren).

TIP victims that received a residence permit on humanitarian grounds (Sec 25 Subsection 4a Residence Act -Aufenthaltsgesetz) for the duration of ongoing criminal proceedings, may be granted a work permit (Sec 6a Beschaeftigungsverfahrensordnung).

The Victims' Rights Reform Law, enacted in 2004, expands the rights of crime victims in criminal proceedings. The intent of the law is to reduce the psychological burden on crime victims, to increase their procedural rights, and to make it easier for victims to file claims for compensation against traffickers. Victim witnesses qualified to join as joint plaintiffs are also entitled to an interpreter. The law allows a third party, e.g., a representative from a counseling center, to be present when police or prosecutors question the victim. Police and prosecutors are required to inform victims of their rights regarding witness protection, participation in the trial as joint plaintiffs, and access to an attorney free of charge in the case.

1K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

The government provided specialized training discussed in section Investigations and Prosecutions Questions under "F" above.

In early 2009, the BKA published a guidance brochure on providing assistance for the professional treatment of sex trafficking victims. The brochure will be available to federal and state police, judges and prosecutors, as well as to municipal employees e.g. working for foreigner and social welfare offices.

The BKA also commissioned a study on Victim Identification that will be completed by mid 2009.

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Embassy contacts were not aware of any cases of German trafficking victims being identified in third countries. If such a case were to occur, German embassies and consulates abroad would provide consular assistance to victims. This assistance could come in the form of counselling, acting as an intermediary to family, medical and other support institutions on the spot and in Germany, or by issuing travel documents and - if necessary - by subsidiary payment of transportation home.

In October 2007, the Family Ministry published guidelines developed by the Federal-State Interagency Working Group on Trafficking that offer standardized modules for TIP-related training for police, counseling centers, prosecutors and judges and other authorities. The guidelines are intended to raise awareness and to contribute to the specialization of police and personnel in the justice system and the staff of foreigner services and social services offices in order to help them to recognize trafficking victims and to equip them to respond to victims' special needs. These guidelines are still current and stakeholders continued to use them during the reporting period.

1L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

N/A

1M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

International organizations and NGOs that work with victims include IOM, faith-based organizations (SOLWODI, Misereor, Caritas), and Terre-des-hommes. Cooperation among numerous local NGOs and local authorities is close and in most Laender is formalized.

16. (U) PREVENTION:

1A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

German public awareness of trafficking has increased significantly. In 2008, the government continued to support and fund NGOs campaigns in Germany and abroad. The awareness campaigns target potential trafficking victims and potential clients of trafficking victims.

The Federal Family Ministry fully funds KOK, the lead body representing 36 NGOs and counseling centers assisting victims. The KOK as a member of the Federal-State Interagency Working Group coordinates projects, conferences, studies, research, and outreach campaigns.

NGOs routinely and continuously carry out public awareness campaigns mainly through streetworking but also other areas.

For instance, the Coordination and Counseling Center for Victims of Trafficking (KOBRA) in Hannover organized two information campaigns in the framework of "Street work" in 2008. On World Aids Day, KOBRA also held an information campaign designed to raise the awareness of clients to trafficking.

A number of NGOS (e.g., Ban Ying, KOBRA, VERA) conducted public awareness campaigns e.g., produced postcards, showed films and organized meetings raising awareness about human trafficking. Berlin NGO Ban Ying (which is mainly funded by the Berlin Senate) operates the websites "verantwortlicher freier.de" (responsible client) and www.modern-slavery-in-germany.de.

On October 7, 2008, Berlin labor unions teamed with NGOs to discuss trafficking and labor exploitation, in particular the subjects of illegal workers, forced labor and wage dumping.

A number of Protestant faith-based organizations and the Nadeschda counseling center organized a two-day conference exploring the connection between TIP and sexually transmitted diseases.

In Leipzig NGO Kobra (which is mainly funded by Saxony's Social

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Ministry) organized one of the traditional Monday peace prayers in the Nikolai-Church and dedicated it to the topic of trafficking.

In 2008 NGO VERA organized a series of four films regarding human trafficking. (Comment: Saxony Anhalt's Social Ministry provides 90 percent of VERA's funding, the Workers Welfare Union funds the remaining 10 percent. End Comment) The film showing was followed by discussions with members of VERA and the directors of the films. The series was supported by the city of Magdeburg and the State of Saxony-Anhalt. VERA held two events with the police in order to improve the public awareness of human trafficking. As preventive measures, VERA had produced a flyer, which they distributed at police stations, foreigners offices, immigration organizations and shelters for women.

VERA has excellent links with groups throughout eastern Europe (many in part EU-funded) and can help make sure that women who return get not only counselling but, often, help in further training or education to give them job options in their home countries. VERA

applied for EU funds for language courses and vocational training for trafficking victims.

The Hanns Seidel Foundation will hold a full-day seminar on TIP, March 5, 2009 in Munich.

Combating trafficking in persons is also a focus of developmental cooperation projects.

1B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

The Interagency Analysis and Strategy Center on Illegal Migration (GASIM), established in May 2006, monitors and analyzes illegal migration movements and patterns of organized crime, including trafficking. Law enforcement officials use roving patrols to screen for potential TIP victims attempting to enter from bordering countries that are party to the Schengen Agreement. Under the Schengen Agreement, Germany and other EU countries have reciprocally agreed to abolish border inspections. Poland and the Czech Republic became party to the Schengen Agreement in December 2007. Germany still retains formal border checkpoints along its border with Switzerland. The Federal Police (Bundespolizei), as the successor agency since July 2005 to the Federal Border Police, cooperates closely with counterparts in neighboring countries. In 2004, German and Polish authorities established joint border police task forces in Frankfurt/Oder to conduct joint investigations at the border. Similar joint police/customs task forces have been established along the German-Czech border.

1C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

In addition to the Federal-State Interagency Working Group on Trafficking in Women, similar interagency working groups and/or task forces exist in several states. The BKA Division for Combating Trafficking is another important player promoting cooperation at both the national and international level). The LKAs have counter-TIP or organized crime units, as well as public anti-corruption units and/or task forces.

In 2008, Germany, through the Federal Ministry of Labor and Social Affairs, took the lead among five EU member states in establishing a network on the subject of 'Asylum and Trafficking' supported by the European Social Fund (ESF). Members met twice in 2008. The network's goals are to promote information exchange, share experiences, connect projects and develop strategies. Through transnational projects the network aims to increase an exchange between countries of origin and destination for labor TIP.

In 2008 the Ministry of Labor and Social Affairs began developing a project to establish an alliance to identify, protect and support labor trafficking victims in Berlin that, in the future, may serve as a nationwide model cooperation concept. (The project will be executed by IOM that will team with partners such as the Labor Ministry, the Berlin Senate and labor unions.) The main goals are to sensitize and train professional groups that come into contact with potential labor trafficking victims; to establish a roundtable of key actors and to raise public awareness on labor TIP. The ESF is co-funding the project that is expected to begin in spring 2009.

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Germany is active in numerous international fora on TIP (e.g., Baltic Sea Task Force against Trafficking in Human Beings, Baltic Sea Task Force on Organized Crime; Southeast European Cooperative Initiative Task Force; G8; Interpol; Europol). Germany has also taken a leading role in the EU and UN on counter-trafficking. Germany contributes to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and its counter-trafficking project fund.

The BKA has stationed liaison officers in German embassies in Eastern European countries and Asia; they focus on legal cooperation and legal assistance, including TIP and child sex

tourism cases.

In 2008, the Coordination and Counselling Center for Victims of Trafficking (KOBRA) in Lower Saxony carried out a comprehensive cooperation and exchange project with Poland aimed at cross-border cooperation, which was financed by the Lower Saxony government. Polish and German participants included police officers, police training centers, and TIP NGOs in Germany as well as Poland. Three police officers at a time spent a week working with their counterparts in the other country. Following that, a workshop was held with all the participants to evaluate the experiences.

KOBRA was also engaged in a networking project with Bulgaria. For four days KOBRA representatives visited a local TIP NGO, the police, and the International Organization for Migration (IOM) in Bulgaria for the purpose of exchanging information. Later on, representatives of the Bulgarian TIP NGO Animus visited Lower Saxony for four days. The NGOs created a joint prevention and information flyer for dissemination in Bulgaria and a flyer with pictograms for easier understanding of trafficking cases for distribution in Germany.

1D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it?

Germany first developed a national action plan to counter violence against women, including TIP, in 1999 and issued the second action plan in 2007. The Federal Family Ministry, the lead government ministry for combating TIP, is responsible for coordinating the government-wide implementation of the action plan. The main coordination tool is the Federal-State Interagency Working Group, which brings together all federal and state agencies plus select NGO representatives. The Ministry's action plans are posted on the Ministry's website (www.bmfsfj.de).

1E. What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

Because prostitution is legal in Germany, the government does not take steps to reduce demand for commercial sex acts. However, state-funded NGOs conducted a variety of public awareness campaigns focused on TIP. (See Prevention section, paragraph A above.) The federal government also worked on developing model projects on possibilities for prostitutes to get out of prostitution.

1F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

The German government supported a number of projects concerning child sex tourism. The German association of travel agencies and tour organizers (DRV) and the federal association for the tourism sector have signed the Code of Conduct for the Protection of Children from child sex tourism developed by ECPAT. Since 2001, the German travel industry has distributed a leaflet to clients developed by ECPAT, DRV and German police authorities to raise awareness of concerning sexual abuse of children. This brochure was updated in 2008.

1G. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts: What measures has the government adopted to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking?

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The Action Plan to Combat Violence against Women requires prevention measures and efforts to raise awareness within the German armed forces and among German police officers deployed abroad. German Government training for military personnel and police officers in advance of deployments abroad, including UN, EU and other

peacekeeping and police training missions, already includes sessions focused on sexual exploitation, abuse and other human rights issues. Unit commanders receive special training on human trafficking, including how to sensitize their subordinates.

17. (U) BEST PRACTICES

German authorities have developed a number of innovative arrangements to promote the cooperation between federal and state authorities in combating TIP.

-- Federal-State Interagency Working Group on Trafficking in Women

The Federal-State Interagency Working Group on Trafficking in Women, established in 1997 under the Family Ministry's lead, facilitates a constant exchange between stakeholders and is responsible for coordinating various activities and initiatives against trafficking on the national (both Federal and State) and international level. The Working Group reviews counter-trafficking issues, disseminates best practices, and provides input for new laws and directives. The group meets roughly three times a year. Participants include representatives from the Federal Ministries of Justice, Interior, Foreign Affairs, Economics and Technology, Labor, Health, and Development, as well as from NGOs, law enforcement agencies, and state governments. The working group developed a model cooperation agreement to formalize cooperation among police, welfare agencies, and NGOs to enhance protection and assistance to victims and to encourage victims to testify against traffickers. Twelve of the sixteen federal states have concluded a cooperation agreement.

Family Ministry representatives agreed that one of the TIP Report's primary goals is to call on other countries to recognize their responsibility to combat trafficking. With this in mind, Germany's approach -- if properly highlighted in future reports -- could serve as a model for other countries, particularly those with a federal structure.

-- Association against Trafficking in Women and Violence against Women in the Migration Process (KOK)

The Federal Family Ministry fully funds KOK, the lead body representing 36 NGOs and counseling centers assisting victims. KOK offers a nationwide networking structure for German NGOs involved in combating human trafficking and violence against women in the process of migration. The KOK coordinates member activities and organizes projects, conferences, studies, research, and outreach campaigns. KOK facilitates cooperation between governmental and non-governmental actors and also operates on an international level. KOK is a member of the Federal-State Interagency Working Group.

KOK's medium term work plan includes continuing lobbying activities to strengthen domestic TIP legislative proposals, further international engagement with sending and transit countries, improving victims assistance efforts and seeking increased funding for these programs.

Post will pouch copy of KOK booklet to G/TIP.

German government officials stated that such an institution is unique in Europe and therefore might serve as a model for other countries.

18. (U) Mission hours spent researching, compiling, and clearing this report:

-- Drafter: FS-02: 10 hours; FSN-10: 100 hours.

-- Clearance: FS-02: 1 hour; FS-02: 0.5 hour; FS-02: 0.5 hours; FS-02, 1.5 hours; FS-03: 0.5 hour; FS-04: 0.5 hour; FS-04: 0.5 hours; FSN-10: 1 hour.

-- Approval: FE-MC: 1.5 hours.

KOENIG